

Summary of Record of Interview (37 C.F.R. 1.133(b))

Applicant (represented by Jianzhong Shen) conducted a face-to-face interview with Examiner Saeed on August 27, 2004 at USPTO. The pending claims 13 and 27 were discussed during the interview. Prior art U.S. Patent No. 5,399,574 to Robertson et al. was discussed. More specifically, "Synthetic Example 22" and "Synthetic Example 23" of Robertson et al. were discussed during the interview. Amendments to claims 13 and 27 (as shown on page 2 of this paper) were discussed in view of the prior art. Applicant explained the reaction steps of "Synthetic Examples 22 and 23" and pointed out that the purification procedure described on Col. 28, lines 29-32 of Robertson *et al.* was not relevant to the novelty issue of the pending claims of the present invention.

At the end of the discussion, Examiner Saeed agreed with Applicant in that claim 27 as amended should be allowed. However, Examiner Saeed wanted to conduct additional searches. Examiner Saeed also felt that it was best to further prosecute claim 13 in a divisional application.

Remarks/Arguments

Claims 1-26 have been cancelled. Claim 27 has been amended and Claim 27 is pending. The support for the amendment to claim 27 can be found on line 23, page 9 of the specification. No new matter has been added.

In the Office Action, the Examiner imposed a restriction requirement. Applicant amended claim 27 by adding "non-solvated, solid (S)-4-{{[3-(dimethylamino)ethyl]-1H-indol-5-yl]-methyl}-2-oxazolidinone" to the preamble. As a result, claim 27 no longer requires different search and examination. During the interview, the Examiner indicated that the restriction requirement should be overcome by this amendment and cancellation of claim 13. Therefore, withdrawal of the restriction requirement is respectfully requested.

Claim 13 was rejected by the Examiner as being anticipated by Robertson *et al.*, US Patent No. 5,399,574. Applicant respectfully traverses this rejection. However, to speed up the prosecution, Applicant cancels claim 13. Therefore, this rejection is now moot.

Claim 27 was amended by adding "non-solvated, solid (S)-4-{{[3-(dimethylamino)ethyl]-1H-indol-5-yl]-methyl}-2-oxazolidinone" to the preamble. During the interview, the Examiner agreed that claim 27 should be allowable in view of the cited prior art.

Having now responded all the objections/rejections, Applicant respectfully submits that the pending claim is in condition for allowance. A speedy Notice of Allowance is respectfully requested.

Respectfully submitted,



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Enclosures: Transmittal Form
Fee Transmittal Form
Extension of Time Request
Dated: September 8, 2004